

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

EUNICE BARNUM, individually and as
guardian and next friend of J.M.L.W., J.L.W.,
and Z.W., minors; TIMOTHY ALBRO and
LAURA HEFFERNAN, individually and as
parents and next friend of L.H., a minor; and
ANN GIPALO, individually and as parent and
next friend of B.G., a minor,

CASE NO.:

Plaintiffs,

vs.

THE CONSOLIDATED CITY OF
JACKSONVILLE, FLORIDA.

Defendant.

EMERGENCY PETITION FOR WRITS OF QUO WARRANTO AND MANDAMUS

COME NOW, Plaintiffs, by and through the undersigned attorneys, and file this emergency petition for extraordinary relief challenging the authority of Defendant, THE CONSOLIDATED CITY OF JACKSONVILLE, FLORIDA, (the “City”), acting through its governing body, the City Council of the Consolidated City of Jacksonville (the “City Council”), to withdraw Bill 2019-0380, which called for a special election to hold a referendum for the approval of a half-cent school capital outlay sales surtax as levied by the Duval County School Board (the “Board”) in its May 7, 2019 resolution (the “Resolution”), and mandating that Defendant take action to place the referendum on the ballot for its consideration by voters in the Consolidated City of Jacksonville.

PARTIES AND JURISDICTION

1. Plaintiff EUNICE BARNUM is a citizen of and registered voter in Duval County, Florida whose grandchildren, over whom she is guardian, J.M.L.W., J.L.W., and Z.W are enrolled in Duval County Public Schools.

2. Plaintiffs TIMOTHY ALBRO and LAURA HEFFERNAN are citizens of and registered voters in Duval County, Florida whose child, L.H is enrolled in Duval County Public Schools.

3. Plaintiff ANN GIPALO is a citizen of and a registered voter in Duval County, Florida whose child, B.G., is enrolled in Duval County Public Schools.

4. The City Council is the governing body of the Defendant, City of Jacksonville.

5. The City of Jacksonville is a consolidation of city and county government in Duval County, Florida, and is a political subdivision of the State of Florida.

6. This Court has jurisdiction over this action seeking extraordinary relief pursuant to Rule 9.030(c)(3), FLA.R.APP.P. and Rule 1.630 of the FLA.R.CIV.P.

7. Venue is proper in this Court.

STATEMENT OF FACTS

8. As voters and parents/grandparents of students enrolled in Duval County's public schools, Plaintiffs are acutely aware of the infrastructure and safety challenges facing the Duval County's schools including, but not limited to maintenance, repairs, renovations, and, in some cases, replacement in order to protect the safety of, and promote the education of, Duval County public school students. The extent of these challenges is outlined in Master Facility Plan Recommendations. **Exhibit "A."**

9. As a result of the Board's liberal school assignment and magnet school policies, the condition of any Duval County Public School is of interest to and has the potential to affect any student living in any part of Duval County regardless of his or her neighborhood school assignment.

10. Pursuant to § 212.055(6), Fla. Stat., and in accordance with the taxation authority granted to it by Article IX, Section 4(b) of the Constitution of the State of Florida, the Board properly adopted the Resolution on May 7, 2019, proposing a sales surtax to go into effect on January 1, 2020 once approved by referendum. **Exhibit "B."**

11. Pursuant to § 212.055(6), Fla. Stat., the Resolution instructed the City Council as the governing board of Duval County to place the sales surtax question on the November 5, 2019 special election ballot.

12. On May 28, 2019, Bill 2019-0380 was introduced by the City Council, which called for a special election to hold a referendum for the approval of a half-cent school capital outlay sales surtax as levied by the Board pursuant to the Resolution (the "Bill.")

13. Since the introduction of the Bill, the City Council has met as a body on seven distinct occasions (May 28, 2019, June 11, 2019, June 25, 2019, July 6, 2019, July 20, 2019, August 13, 2019 and August 27, 2019).

14. In addition to the seven regularly scheduled meetings, the City Council has taken the Bill into consideration during numerous committee meetings and considered a number of amendments and deferrals on the proposed surtax legislation.

15. Ultimately, the City Council voted on August 27, 2019 to withdraw the Bill.

16. Defendant, through the actions of the City Council abused its discretion by failing to uphold its non-discretionary duty to place the sales surtax on the ballot.

PETITION FOR WRIT OF QUO WARRANTO

17. Plaintiffs reallege paragraphs 1 through 16 immediately above, as fully as if they were restated herein.

18. Quo warranto is the proper method to test the “exercise of some right or privilege, the peculiar powers of which are derived from the State.” *Winter v. Mack*, 142 Fla. 1, 8, 194 So. 225, 228 (1940). Under Florida law, a complaint for a writ of quo warranto is the proper method for challenging the authority of a public official to take a particular action in his or her official capacity. See *Philip J. Padavano, QuoWarranto*, 5 Fla. Prac., Civil Practice § 30:3 (2018-2019 ed.). Florida courts have recognized quo warranto as an appropriate tool for contesting the validity of official actions in a variety of circumstances.¹

19. Plaintiffs ask this Court to enter a writ of quo warranto, commanding Defendant to immediately place the referendum on a ballot or to answer the allegations in the Complaint by justifying the authority in question.

20. Plaintiffs are both citizens and taxpayers in Duval County, Florida, and therefore, have standing to bring a petition for quo warranto against Defendant. *Whiley v. Scott*, 79 So. 3d 702 (Fla. 2011).

21. Plaintiffs request that this Court issue a writ of quo warranto finding that Defendant, through the City Council, abused its discretion when it voted to withdraw the Bill, and in doing

¹ See e.g., *Chiles v. Webster*, 714 So.2d 453, 456-57 (Fla. 1998) (quo warranto was “an appropriate method” for challenging legislative authority to override gubernatorial veto); *State Department of Health and Rehabilitative Services v. Screiber*, 561 So.2d 1236, 1242 (Fla. 4th DCA 1990) (quo warranto was warranted to prevent public defender from making motions on behalf of individuals he had not been appointed to represent); *Martinez v. Martinez*, 545 So.2d 1338, 1339 (Fla. 1989) (governor's power to call special session of legislature was proper subject of quo warranto complaint); *Snead v. State*, 415 So.2d 887, 890 (Fla. 5th DCA 1982) (challenge to authority of an assistant state attorney to sign an indictment “must be done by quo warranto”).

so, Defendant improperly abrogated the Board's state constitutional authority to tax for the benefit of the schools.

22. When the Board adopted the Resolution, the City Council, as the governing body of Duval County, had a non-discretionary duty to place the question on the ballot. *See School Board of Clay County, Florida v. Clay County*, No. 10-19-CA-806 (Fla. Cir. Ct. August 15, 2019 citing Op. Att'y Gen. Fla. 98-29 (1998)).

23. The non-discretionary nature of the City Council's duty is made clear by the plain language of § 212.055(6), Fla. Stat., which states in pertinent part:

The resolution shall include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax. The statement shall conform to the requirements of s. 101.161 and **shall** be placed on the ballot by the governing body of the county.

(Emphasis added.)

24. The word "shall" in § 212.055(6), Fla. Stat. should be given the compulsory meaning presumed to exist when used by the legislature. It is well settled that, where the language of a statute is clear and unambiguous and conveys a clear and definite meaning, courts should not resort to rules of statutory interpretation and construction. *Winter v. Playa del Sol, Inc.*, 353 So. 2d 598, 599 (Fla. 4th DCA 1977). Instead, the statute must be given its plain and obvious meaning. *Id. citing Union Camp Corporation v. Seminole Forest Water Management District*, 302 So.2d 419 (Fla. 1st DCA 1974).² Here, the word "shall" in the statute is clear and unambiguous in its intent that Defendant place the surtax on the ballot. To infer any other meaning requires this Court to look beyond the plain meaning of the statute.

² The ordinary meaning of language should always be favored. *In re Forfeiture of One (1) 1984 Ford Van 150*, 521 So. 2d 244 (Fla. 1st DCA, 1988).

25. In his recent opinion, Circuit Court Judge Steven B. Whittington found that “[t]he [county’s governing] Board does have a clear legal duty to place the Resolution on the ballot; a local governing body cannot simply ignore a school board's request and refuse to place a resolution on the ballot.” *See School Board of Clay County, Florida v. Clay County*, No. 10-19-CA-806 (Fla. Cir. Ct. August 15, 2019).

26. Although Judge Whittington concluded that “[t]he [county’s governing] Board...has some discretion in selecting the date of an election,” he also found that “[t]he local district school boards have the sole authority to levy the sales surtax” and “[a]ny attempt by a county commission to undermine or usurp that authority, through unnecessary delay in setting a resolution on a ballot, would constitute an abuse of its discretion.” *Id.*

27. In *School Board of Clay County*, the Clay County Board of County Commissioners affirmatively stated, through its individual commissioners at the July 9, 2019 public meeting, and through its counsel at the hearing before Judge Whittington, that it intended to place that resolution on the ballot at the next general election, in November 2020. Based on those guarantees, Judge Whittington determined that the Clay County Board of County Commissioners did not abuse its discretion in voting down its bill to place the surtax question on the ballot.

28. In the instant case, the City Council has not made any guarantees regarding the future placement of the surtax question on the ballot. Instead, Defendant voted to withdraw the Bill after refusing to adopt an amendment to the Bill that would place the surtax question on the November 2020 general election ballot.

29. The City Council’s actions constitute an abuse of its discretion and exceed the powers granted to it by the relevant statute.

30. Plaintiffs ask this Court to issue a writ of quo warranto commanding Defendant to immediately place the referendum on a ballot or to answer the allegations in the Complaint by justifying the authority in question.

PETITION FOR WRIT OF MANDAMUS

31. Plaintiffs reallege paragraphs 1 through 16, and 22-28, as fully as if they were restated herein.

32. This Court has jurisdiction over the instant action pursuant to Article I, Section 21 of the Florida Constitution, Rule 9.030(c)(3), FLA.R.APP.P., and Rule 1.630, FLA.R.CIV.P.

33. Petitioner ask this Court to enter a writ of mandamus, compelling Defendant to take legislative action to place the surtax question on a ballot.

34. Mandamus relief lies to compel a ministerial act. *City of Miami Beach v. Mr. Samuel's, Inc.*, 351 So.2d 719 (Fla.1977). A ministerial act is one where the defendant has a clear legal duty to perform the act. *Monroe County v. Cisneros*, 49 So. 3d 801 (Fla. 3d DCA 2010). In order to constitute a ministerial act, there must not be room for the exercise of discretion, and the performance being required is directed by law." *Rhea v. District Board of Trustees of Santa Fe College*, 109 So. 3d 851, 855 (1st DCA 2013) citing *Shea v. Cochran*, 680 So. 2d 628, 629 (Fla. 4th DCA 1996).

35. As Judge Whittington articulated in his August 15, 2019 Order in Case No. 10-19-CA-806, the statutory construction of §212.055(6)(b), Fla. Stat. creates a non-discretionary duty on the part of the county's governing body to place the surtax question on the ballot.

36. Although the City Council, has some discretion to select the election date and type, that discretion cannot be abused through delays that prevent the surtax question from being placed on the ballot.

37. Defendant, through the City Council, abused its limited discretion to choose the ballot on which the surtax referendum should be placed when it voted to withdraw the Bill.

38. In doing so, Defendant, through the City Council, has failed to perform its non-discretionary duty to place the surtax question on a ballot, undermining and usurping the Board's Constitutional power to levy the surtax. Defendant has therefore deprived Plaintiffs of representation by their duly elected school board on taxation for the benefit of the schools, a matter which is reserved to the school board under the Florida constitution and statutes.

39. Defendant has not committed to placing the surtax referendum on any ballot, but instead has rejected the Bill to place the surtax question on a special election in November 2019, and also rejected amendments to the Bill that would have scheduled the surtax question for the November 2020 general election ballot.

40. Plaintiffs ask this Court to enter a writ of mandamus, requiring the City Council, to immediately take the legislative action necessary to place the surtax referendum on a ballot.

WHEREFORE, Plaintiffs respectfully ask this Court to enter a writ of quo warranto or order to show cause, commanding Defendant to immediately place the referendum on a ballot or to answer the allegations in the petition for writs of quo warranto and mandamus by justifying the authority in question. **Exhibit "C."**

Respectfully submitted this 16th day of September, 2019.

DELEGAL & POINDEXTER, P.A.

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COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served this
16th day of September, 2019 by email:

Jason R. Gabriel, General Counsel
Office of the General Counsel
City of Jacksonville
117 W Duval St Ste 480
Jacksonville, FL 32202-5721
Email address: jgabriel@coj.net

/s/ T. A. ("Tad") Delegal, III
Attorney

EXHIBIT

A

A **Bold** Plan for DCPS

Master Facility Plan
Recommendations

**Our Schools.
Our Community.
Our Future.**



DUVAL COUNTY
PUBLIC SCHOOLS

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Executive Summary

A message from Dr. Diana Greene, Superintendent of Duval County Public Schools



There are many factors that contribute to a school's ability to educate the future generation—including the physical school building itself. School districts have the opportunity to support the success of a school through buildings that create healthy and safe environments for children to learn and teachers to teach. However, starting with a report released by the U.S. Government Accounting Office in 1995 and followed by many subsequent studies, it has been found that many school districts are facing an aging building stock and growing budget cuts, resulting in school buildings with leaky roofs, broken windows, unhealthy air quality, use of portable classrooms and overcrowding.¹

While the situation is urgent, the Duval County Public Schools Maintenance Department continues to ensure all schools are safe for students and staff to teach and learn. Each year unexpected maintenance needs and repairs result in needed projects remaining on the deferral lists. (see Appendix B). We are at a point, or rather, we have an opportunity to actively engage our community in the conversation about how newer and/or renovated school facilities can help improve learning outcomes for students and ensure the health and wellbeing of both our students and teachers.

District Objectives

Our goal is to develop a Master Facility Plan that will address the District's aging buildings (among the oldest in the state of Florida), create safe and secure spaces for students and staff, remove most of the district's portable classrooms, decrease excess seat capacity, and increase utilization capacity. Additionally, this plan removes over one billion dollars in deferred facility maintenance over the next 15 years.

The implementation of the Master Facility Plan will have a positive impact on our students and employees. The safety and security of students and staff are impacted, student and teacher attitudes are impacted, student and teacher attendance are impacted and overall efficiency is impacted by this Master Facility Plan.

How did we get here?

We are not the only District desiring to improve facilities; however, we are one of a few very large Districts that does not have an additional revenue source to support the Master Facility Plan (see Appendix A). In 2008, when Florida was hit by the recession, the legislature reduced the millage districts were able to leverage to support capital/facility improvements from 2.0 mill to 1.5 mills. Today the .5 mill would generate approximately 30 million dollars a year; for the past 10 years that approximates a 300 million dollar reduction in district funds to address facility issues. This reduction, coupled with the lack of additional funding sources to support facilities has resulted in our current need for implementation of this comprehensive plan.

This plan is **bold!** It addresses the inequities of our school facilities. The school board districts that have the most maintenance issues and oldest facilities receive a proportionate share of funding to address the older and higher FCI facilities with new replacement schools.

This plan is **bold!** Enhanced safety and security for every school in the county is a priority in the plan.

This plan is **bold!** It addresses increased utilization in areas of growth in the community. It includes very tough decisions to consolidate schools that are under enrolled or have old or high FCI facilities. This plan consolidates 33 schools down to 17.

This plan is **bold!** It removes over \$1 billion dollars in deferred maintenance cost.

This plan is **bold!** Our children are counting on us to be up to the task and demonstrate that their futures are worth the investment.

THE PLAN IS **BOLD!**

¹ *Investing in Our Future, How School Modernization Impacts Indoor Environmental Quality and Occupants: H. Jauregui, K. Herber, and E. Chmielewski, 2018*

Improvement Priorities

Priority 1: Mission Critical Systems

Deficiencies or conditions that may directly affect a school's ability to remain open or deliver the educational curriculum. These items normally include deficiencies related to fire code, building safety, and severely damaged or failing building components. Example: Fire alarm systems

Priority 2: Indirect Impact to Educational Mission

Items that may progress to a Priority 1 that are not addressed in the near term. Examples: Roofing that could cause a deterioration of integral building systems and conditions affecting roof and window replacements

Priority 3: Short Term Conditions

Deficiencies that are necessary to the mission of the school, but may not require immediate attention. These items should be considered necessary improvements in order to maximize efficiency and usefulness of the facility. Examples: Site improvements, plumbing, electrical deficiencies

Priority 4: Long Term Requirements

Items or systems which are likely to require attention within the next five years or would be considered an improvement to the instructional environment. The improvements may be aesthetic or may provide greater functionality. Examples: Cabinets, finishes, paving, removal of abandoned equipment, and educational accommodations associated with special programs

Priority 5: Enhancements

These items are deficiencies that are aesthetic in nature or are considered enhancements. These items may be optional to a district, but are generally included under a comprehensive renovation project plan. Examples: Repainting, recarpeting, improved signage, or other items that provide for an improved facility environment

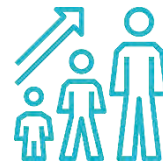
Districtwide Overview



28
new schools



11 year
reduction in
building age
(44 yrs to 33 yrs)



2%
increased
utilization from
82% to 84%



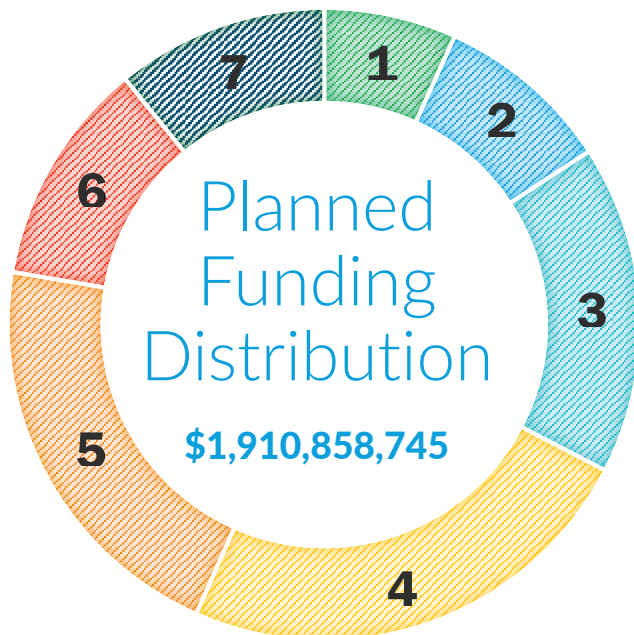
**\$1.08
billion**
in major school
repairs



438
approximate
portables
removed



3,172
reduction in
student seats



District 1: The Honorable Cheryl Grymes

Total Funding: \$129,171,692 | 6.8%
Bonded Startup: \$34 million

District 2: The Honorable Elizabeth Andersen

Total Funding: \$172,364,466 | 9.0%
Bonded Startup: \$45 million

District 3: The Honorable Ashley Smith Juarez

Total Funding: \$321,818,485 | 16.9%
Bonded Startup: \$84.5 million

District 4: The Honorable Darryl Willie

Total Funding: \$458,785,417 | 24.0%
Bonded Startup: \$120 million

District 5: The Honorable Warren Jones

Total Funding: \$401,811,073 | 21.0%
Bonded Startup: \$105 million

District 6: The Honorable Charlotte Joyce

Total Funding: \$219,781,732 | 11.5%
Bonded Startup: \$57.5 million

District 7: The Honorable Lori Hershey

Total Funding: \$207,125,880 | 10.8%
Bonded Startup: \$54 million

The school district initially recommends to pledge \$500 million of the sales tax referendum proceeds for the purpose of servicing new bond indebtedness incurred pursuant to law. Each district will receive a prorated amount to allow for prioritization of district facility projects.

District 1 Master Facilities Plan

The Honorable Cheryl Grymes

District 1 Total: \$129,171,692

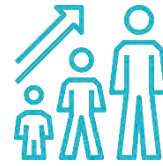
Overview



2
new replacement
schools



6 year
reduction in
building age
(37 yrs to 31 yrs)



4%
increased
utilization from
77% to 81%



\$72 million
in major school repairs



71
approximate
portables removed

Detailed School Improvements

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
Arlington Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$1,345,899	\$-	\$1,345,899
Arlington Heights Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$2,213,426	\$-	\$2,213,426
Arlington Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$4,812,304	\$-	\$4,812,304
Don Brewer 3-5	Security/Safety Upgrades and Deferred Maintenance	\$-	\$4,144,028	\$-	\$4,144,028
Fort Caroline Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$3,326,153	\$-	\$3,326,153
Fort Caroline Middle	Renovation/ Addition of an Auditorium	\$-	\$8,719,450	\$-	\$8,719,450
GRASP Academy	Renovation	\$-	\$3,148,827	\$-	\$3,148,827
Lake Lucina Elementary	Renovation	\$-	\$6,471,599	\$-	\$6,471,599
Lone Star Elementary	Renovation	\$-	\$7,840,365	\$-	\$7,840,365
Louis S. Sheffield Elementary	Replace On-site	\$28,845,990	\$-	\$-	\$28,845,990
Merrill Road K-2	Security/Safety Upgrades and Deferred Maintenance	\$-	\$4,630,221	\$-	\$4,630,221
New Berlin Elementary	Renovation / 6 Classrooms Addition	\$2,065,565	\$4,171,200	\$-	\$6,236,765
Parkwood Heights Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$3,112,685	\$-	\$3,112,685
San Mateo Elementary	Replace On-site	\$20,275,170	\$-	\$-	\$20,275,170
Terry Parker Senior High	Renovation / 12 Classrooms Addition	\$4,712,386	\$11,838,352	\$-	\$16,550,737

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
Waterleaf Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$923,201	\$-	\$923,201
Woodland Acres Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$6,574,872	\$-	\$6,574,872
District 1 Total		\$55,899,111	\$73,272,582	0	\$129,171,692

District 2 Master Facilities Plan

The Honorable Elizabeth Andersen

District 2 Total: \$172,364,466

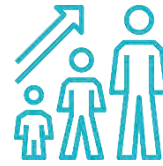
Overview



1
new replacement
school



3 year
reduction in
building age
(34 yrs to 31 yrs)



5%
decreased
utilization from
90% to 85%



\$107 million
in major school repairs



44
approximate
portables removed

Detailed School Improvements

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
Abess Park Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$7,013,702	\$-	\$7,013,702
Alimacani Elementary	Renovation / 6 Classroom Addition	\$2,065,565	\$7,591,152	\$-	\$9,656,717
Atlantic Beach Elementary	Renovation	\$-	\$6,088,046	\$-	\$6,088,046
Chets Creek Elementary	Renovation / 30 Classroom Addition	\$14,712,000	\$7,042,233	\$-	\$21,754,233
Duncan U. Fletcher Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$7,262,325	\$-	\$7,262,325
Duncan U. Fletcher Senior High	Renovation / 32 Classroom Addition	\$12,566,362	\$11,494,857	\$-	\$24,061,219
Jacksonville Beach Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$4,795,686	\$-	\$4,795,686
John Allen Axson Elementary	Renovation / 4 Classroom Addition	\$1,377,043	\$4,495,714	\$-	\$5,872,757
Joseph Finegan Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$3,626,606	\$-	\$3,626,606
Kernan Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$8,557,931	\$-	\$8,557,931
Kernan Trail Elementary	Renovation / 6 Classroom Addition	\$2,065,565	\$3,859,964	\$-	\$5,925,529
Landmark Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$8,776,400	\$-	\$8,776,400
Marine Science Education Center	Security/Safety Upgrades and Deferred Maintenance	\$-	\$1,174,692	\$-	\$1,174,692
Mayport Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$6,901,347	\$-	\$6,901,347

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
Mayport Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$9,075,522	\$-	\$9,075,522
Neptune Beach Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$7,647,727	\$-	\$7,647,727
Sabal Palm Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$9,040,235	\$-	\$9,040,235
San Pablo Elementary	Renovation/ 6 Classroom Addition	\$2,065,565	\$2,839,087	\$-	\$4,904,652
Seabreeze Elementary	Replace On-site	\$20,229,140	\$-	\$-	\$20,229,140
District 2 Total		\$55,081,240	\$117,283,226	0	\$172,364,466

District 3 Master Facilities Plan

The Honorable Ashley Smith Juarez

District 3 Total \$321,818,485

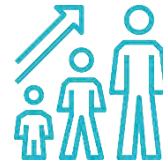
Overview



8
new replacement
schools



15 year
reduction in
building age
(54 yrs to 39 yrs)



1%
increased
utilization from
88% to 89%



\$167 million
in major school repairs



82
approximate
portables removed

Detailed School Improvements

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
Alden Road Exceptional Center	Renovation / 6 Classroom Addition	\$2,065,565	\$1,799,101	\$-	\$3,864,666
Alfred I. duPont Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$10,551,171	\$-	\$10,551,171
Beauclerc Elementary	Replace On-site	\$23,182,664	\$-	\$-	\$23,182,664
Brookview Elementary	Renovation	\$-	\$8,219,616	\$-	\$8,219,616
Douglas Anderson School of the Arts	Security/Safety Upgrades and Deferred Maintenance	\$-	\$13,645,066	\$-	\$13,645,066
Englewood Elementary	Replace On-site	\$14,565,610	\$-	\$-	\$14,565,610
Englewood Senior High	Renovation / 6 Classroom Addition	\$2,356,193	\$18,947,987	\$-	\$21,304,180
Greenfield Elementary	Renovation / 10 Classroom Addition	\$3,442,608	\$6,183,742	\$-	\$9,626,350
Hendricks Avenue Elementary	Renovation / 10 Classroom Addition	\$3,442,608	\$8,536,322	\$-	\$11,978,930
Hogan-Spring Glen Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$3,726,500	\$-	\$3,726,500
Holiday Hill Elementary	Replace On-site	\$20,516,990	\$-	\$-	\$20,516,990
Kings Trail Elementary	Replace On-site	\$20,230,690	\$-	\$-	\$20,230,690
Landon Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$6,124,505	\$-	\$6,124,505
Love Grove Elementary	Demolish, consolidate into Englewood ES and Spring Park	\$-	\$-	\$715,650	\$715,650

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
Pine Forest Elementary	Renovation / 4 Classroom Addition	\$1,377,043	\$6,561,461	\$-	\$7,938,505
Samuel W. Wolfson Senior High	Security/Safety Upgrades and Deferred Maintenance	\$-	\$16,206,067	\$-	\$16,206,067
San Jose Elementary	Replace On-site	\$20,487,120	\$-	\$-	\$20,487,120
Sandalwood Senior High	Renovation / 32 Classroom Addition	\$12,566,362	\$17,523,226	\$-	\$30,089,587
Southside Estates Elementary	Replace On-site	\$28,957,450	\$-	\$-	\$28,957,450
Southside Middle	Renovation	\$-	\$14,645,568	\$-	\$14,645,568
Spring Park Elementary	Replace On-site	\$25,847,200	\$-	\$-	\$25,847,200
Windy Hill Elementary	Replace On-site with New ESE Center	\$9,394,400	\$-	\$-	\$9,394,400
District 3 Total		\$188,432,503	\$132,670,332	\$715,650	\$321,818,485

Recommendations

- Love Grove consolidates into Spring Park ES and Englewood ES is rebuilt
- San Jose and Kings Trail are both rebuilt at the same size and will need to be rezoned to balance
- Windy Hill consolidates into Southside Estates, a New ESE center is built on Windy Hill's site

District 4 Master Facilities Plan

The Honorable Darryl Willie

District 4 Total \$458,785,417

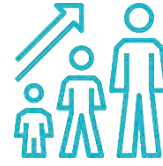
Overview



4
new replacement
schools



10 year
reduction in
building age
(47 yrs to 37 yrs)



2%
increased
utilization from
78% to 80%



\$312 million
in major school repairs



41
approximate
portables removed

Detailed School Improvements

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
A. Philip Randolph Academy	Security/Safety Upgrades and Deferred Maintenance	\$-	\$20,688,502	\$-	\$20,688,502
Andrew A. Robinson Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$7,279,186	\$-	\$7,279,186
Andrew Jackson Senior High	Modernization	\$-	\$30,830,103	\$-	\$30,830,103
Biscayne Elementary	Renovation / 12 Classroom Addition	\$4,131,130	\$5,493,519	\$-	\$9,624,649
Brentwood Elementary	Remove School	\$-	\$-	\$580,560	\$580,560
Darnell-Cookman Middle/High	Renovation / 6 Classroom Addition	\$2,360,994	\$13,056,627	\$-	\$15,417,621
Dinsmore Elementary	Renovation	\$-	\$8,840,736	\$-	\$8,840,736
First Coast Senior High	Renovation / 24 Classroom Addition	\$9,424,771	\$31,375,026	\$-	\$40,799,797
Garden City Elementary	Replace On-site	\$14,647,160	\$-	\$-	\$14,647,160
Henry F. Kite Elementary	Remove School	\$-	\$-	\$371,960	\$371,960
Highlands Elementary	Replace On-site	\$28,862,910	\$-	\$-	\$28,862,910
Highlands Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$12,557,343	\$-	\$12,557,343
Jean Ribault Middle	Renovation	\$-	\$15,974,316	\$-	\$15,974,316
Jean Ribault Senior High	Replace On-site	\$58,106,620	\$-	\$-	\$58,106,620
John E. Ford K-8	Renovation	\$-	\$11,731,026	\$-	\$11,731,026
John Love Elementary	Hold as Swing Space	\$-	\$-	\$384,940	\$384,940
Kirby-Smith Middle	Modernization	\$-	\$46,096,073	\$-	\$46,096,073

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
Lake Forest Elementary	Hold as an Early Learning / Community Center	\$-	\$11,771,679	\$-	\$11,771,679
LaVilla School of the Arts	Renovation / 10 Classroom Addition	\$3,934,991	\$7,801,524	\$-	\$11,736,515
Long Branch Elementary	Renovation	\$-	\$7,459,119	\$-	\$7,459,119
Matthew W. Gilbert Middle	Renovation	\$-	\$14,943,562	\$-	\$14,943,562
Mattie V. Rutherford Alternative	Renovation	\$-	\$4,107,012	\$-	\$4,107,012
Mount Herman Exceptional Center	Remove School	\$-	\$-	\$762,100	\$762,100
North Shore Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$5,461,482	\$-	\$5,461,482
Northwestern Middle	Renovation	\$-	\$14,856,984	\$-	\$14,856,984
Oceanway Elementary	Renovation / 10 Classroom Addition	\$3,442,608	\$5,511,962	\$-	\$8,954,570
Oceanway Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$7,454,148	\$-	\$7,454,148
Pine Estates Elementary	Remove School	\$-	\$-	\$354,050	\$354,050
Richard L. Brown Gifted & Talented	Renovation / Redesign to match Enrollment	\$-	\$6,158,884	\$-	\$6,158,884
Saint Clair Evans Academy Elementary	Renovation	\$-	\$6,756,041	\$-	\$6,756,041
Sallye B. Mathis Elementary	Replace On-site	\$14,764,460	\$-	\$-	\$14,764,460
Stanton College Preparatory School	Renovation / 12 Classroom Addition	\$4,712,386	\$15,738,923	\$-	\$20,451,309
District 4 Total		\$144,388,030	\$311,943,777	\$3,213,500	\$458,785,417

Recommendations

- St. Clair Evans and Carter Woodson (D5) consolidate into Northwestern MS
- Lake Forest and Brentwood consolidate into North Shore
- Kite consolidates into Pearson (D5) with MLK (D5)
- John Love consolidates into Long Branch
- Mount Herman splits between New ESE@ at Windy Hill (D3) and Reynolds Lane (D4)
- Bridge to Success (D5) moves into St. Clair Evans
- Pine Estates consolidates into New Highlands

District 5 Master Facilities Plan

The Honorable Warren Jones, Vice Chairman

District 5 Total \$401,811,073

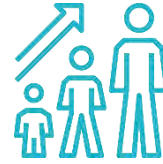
Overview



8
new replacement
schools



18 year
reduction in
building age
(50 yrs to 32 yrs)



15%
increased
utilization from
72% to 87%



\$223 million
in major school repairs



83
approximate
portables removed

Detailed School Improvements

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
Annie R. Morgan Elementary	Remove School	\$-	\$-	\$522,840	\$522,840
Biltmore Elementary	Renovation / 12 Classroom Addition	\$4,131,130	\$6,093,098	\$-	\$10,224,228
Bridge to Success West Jacksonville	Remove School	\$-	\$-	\$438,050	\$438,050
Carter G. Elementary Woodson	Remove School	\$-	\$-	\$549,250	\$549,250
Cedar Hills Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$2,321,924	\$-	\$2,321,924
Frank H. Peterson Academy	Security/Safety Upgrades and Deferred Maintenance	\$-	\$20,106,074	\$-	\$20,106,074
George Washington Carver Elementary	Replace On-site	\$18,935,460	\$-	\$-	\$18,935,460
Grand Park Career Center	Renovation	\$-	\$2,259,823	\$-	\$2,259,823
Gregory Drive Elementary	Hold for Swing Space	\$-	\$-	\$734,020	\$734,020
Hyde Grove Elementary	Hold for Swing Space	\$-	\$-	\$509,360	\$509,360
J E B Stuart Middle	Renovation / 10 Classroom Addition	\$3,934,991	\$9,492,523	\$-	\$13,427,514
Jacksonville Heights Elementary	Renovation	\$-	\$10,176,876	\$-	\$10,176,876
James Weldon Johnson Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$9,455,442	\$-	\$9,455,442
Jefferson Davis Middle	Renovation	\$-	\$13,603,518	\$-	\$13,603,518
Martin Luther King Elementary	Remove School	\$-	\$-	\$624,590	\$624,590

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
Oak Hill Academy	Security/Safety Upgrades and Deferred Maintenance	\$-	\$2,970,820	\$-	\$2,970,820
Palm Avenue Exceptional Center	Renovation / 4 Classroom Addition	\$1,377,043	\$2,484,370	\$-	\$3,861,413
Paxon School SAS	Renovation / 6 Classroom Addition	\$2,356,193	\$17,416,950	\$-	\$19,773,143
Pickett Elementary	Replace On-site	\$28,506,560	\$-	\$-	\$28,506,560
Pinedale Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$7,589,677	\$-	\$7,589,677
R. V. Daniels	Security/Safety Upgrades and Deferred Maintenance	\$-	\$3,052,214	\$-	\$3,052,214
Ramona Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$1,468,302	\$-	\$1,468,302
Reynolds Lane Elementary	Replace as New ESE	\$9,247,470	\$-	\$-	\$9,247,470
Rufus E. Payne Elementary	Hold for Swing Space	\$-	\$-	\$551,980	\$551,980
Rutledge H. Pearson Elementary	Replace On-site	\$28,753,370	\$-	\$-	\$28,753,370
S. A. Hull Elementary	Remove School	\$-	\$-	\$415,490	\$415,490
Sadie Tillis Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$4,735,290	\$-	\$4,735,290
Smart Pope Livingston Elementary	Replace On-site	\$29,293,250	\$-	\$-	\$29,293,250
Stonewall Jackson Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$2,300,195	\$-	\$2,300,195
Susie E. Tolbert	Remove School	\$-	\$-	\$587,070	\$587,070
Thomas Jefferson Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$3,027,771	\$-	\$3,027,771
Timucuan Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$4,150,634	\$-	\$4,150,634
Westside High School	Replace On-site	\$64,840,810	\$-	\$-	\$64,840,810
William M. Raines Senior High	Replace On-site	\$65,071,720	\$-	\$-	\$65,071,720
YWLA/YMLA at Eugene Butler	Replace on-site	\$17,724,925	\$-	\$-	\$17,724,925
District 5 Total		\$274,172,922	\$122,705,501	\$4,932,650	\$401,811,073

Recommendations

- MLK consolidates into Pearson with Kite (D4)
- Rufus Payne consolidates into GW Carver
- Gregory Drive and Normandy Village (D6) consolidate into Renovated Jeff Davis, 50% of Jeff Davis students go to JEB Stuart (D6) and 50% go to new MS @ Chaffee Trail (D6)
- Mount Herman splits between New ESE@ at Windy Hill (D3) and Reynolds Lane (D4)
- Bridge to Success moves into St. Clair Evans (D4)
- SA Hull and Reynolds Lane consolidate into New ES @ Pickett
- Susie Tolbert consolidates into new SP Livingston
- Annie Morgan consolidates into Renovated Biltmore

- Carter G. Woodson consolidates into Northwestern
- Hyde Grove consolidates into Hyde Park (D6)

District 6 Master Facilities Plan

The Honorable Charlotte Joyce

District 6 Total \$219,781,732

Overview



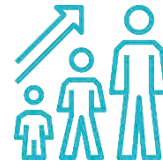
4

new replacement schools



12 year

reduction in building age
(46 yrs to 34 yrs)



2%

increased utilization from 85% to 87%



\$90 million

in major school repairs



69

approximate portables removed

Detailed School Improvements

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
Baldwin Junior Senior High	Replace On-site	\$43,154,650	\$-	\$-	\$43,154,650
Bayview Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$1,802,723	\$-	\$1,802,723
Central Riverside Elementary	Modernization	\$-	\$9,934,540	\$-	\$9,934,540
Chaffee Trail Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$3,644,866	\$-	\$3,644,866
Chimney Lakes Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$1,752,611	\$-	\$1,752,611
Crystal Springs Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$7,673,807	\$-	\$7,673,807
Edward H. White Senior High	Security/Safety Upgrades and Deferred Maintenance	\$-	\$8,946,450	\$-	\$8,946,450
Enterprise Learning Academy	Security/Safety Upgrades and Deferred Maintenance	\$-	\$2,611,989	\$-	\$2,611,989
Fishweir Elementary	Renovation / 6 Classroom Addition	\$2,065,565	\$2,055,729	\$-	\$4,121,294
Hyde Park Elementary	Renovation / 20 Classroom Addition	\$14,712,000	\$2,116,554	\$-	\$16,828,554
John Stockton Elementary	Renovation / 6 Classroom Addition	\$2,065,565	\$1,848,388	\$-	\$3,913,953
Joseph Stilwell Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$8,986,004	\$-	\$8,986,004
Lake Shore Middle	Renovation / 16 Classroom Addition	\$6,295,985	\$4,641,243	\$-	\$10,937,228
Mamie Agnes Jones Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$5,436,603	\$-	\$5,436,603

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
New 6-8 @ Chaffee Trail	New School to Offset Growth	\$38,677,260	\$-	\$-	\$38,677,260
Normandy Village Elementary	Remove School	\$-	\$-	\$609,670	\$609,670
Ortega Elementary	Hold for Swing Space	\$-	\$-	\$-	\$-
Robert E. Lee Senior High	Security/Safety Upgrades and Deferred Maintenance	\$-	\$8,165,709	\$-	\$8,165,709
Ruth N. Upson Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$1,929,129	\$-	\$1,929,129
Venetia Elementary	Replace On-site	\$23,022,740	\$-	\$-	\$23,022,740
West Riverside Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$1,285,653	\$-	\$1,285,653
Westview- K8	Security/Safety Upgrades and Deferred Maintenance	\$-	\$1,740,499	\$-	\$1,740,499
Whitehouse Elementary	Replace On-site	\$14,605,800	\$-	\$-	\$14,605,800
District 6 Total		\$144,599,565	\$74,572,497	\$609,670	\$219,781,732

Recommendations

- Normandy Village and Gregory Drive (D5) consolidate into Jeff Davis (D5)
- Ortega consolidates into New Venetia
- Reduced the size of Baldwin replacement because assume that 300 students residing in the Chaffee Trail ES zone will go to the new MS
- Hyde Grove (D5) consolidates into Hyde Park

District 7 Master Facilities Plan

The Honorable Lori Hershey, Chairman

District 7 Total \$207,125,880

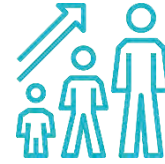
Overview



1
new replacement
school



3 year
reduction in
building age
(25 yrs to 22 yrs)



10%
decreased
utilization from
91% to 81%



\$111 million
in major school repairs



48
approximate
portables removed

Detailed School Improvements

School Name	Action	New Construction	Maintenance, Renovation, Security	Demolition Cost	Total
Atlantic Coast Senior High	Renovation / 4th pod (wing)	\$14,096,880	\$15,012,515	\$-	\$29,109,395
Bartram Springs Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$3,218,051	\$-	\$3,218,051
Crown Point Elementary	Renovation	\$-	\$16,926,024	\$-	\$16,926,024
Greenland Pines Elementary	Renovation	\$-	\$19,993,045	\$-	\$19,993,045
Loretto Elementary	Modernization / 4 Classroom Addition	\$1,377,043	\$20,008,834	\$-	\$21,385,877
Mandarin Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$19,767,844	\$-	\$19,767,844
Mandarin Oaks Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$7,531,181	\$-	\$7,531,181
Mandarin Senior High	Renovation / 32 Classroom Addition	\$12,566,362	\$21,797,402	\$-	\$34,363,764
New K-8 @ Southeast Duval County	New School to Offset Growth	\$38,677,260	\$-	\$-	\$38,677,260
Twin Lakes Elementary	Security/Safety Upgrades and Deferred Maintenance	\$-	\$6,678,827	\$-	\$6,678,827
Twin Lakes Middle	Security/Safety Upgrades and Deferred Maintenance	\$-	\$9,474,612	\$-	\$9,474,612
District 7 Total		\$66,717,545	\$140,408,335	0	\$207,125,880

Appendix A – Florida School Impact Fees & Sales Surtax 2017-18

County	Rank	District Size Rank	Impact Fees Collected	Sales Surtax Collected	Total
Orange	1	4	\$72,519,433	\$236,212,212	\$308,731,645
Osceola	2	14	\$40,419,283	\$28,988,692	\$69,407,975
Polk	3	8	\$12,000,000	\$40,000,000	\$52,000,000
Brevard	4	10	\$7,500,000	\$43,269,000	\$50,769,000
Pasco *	5	11	\$9,646,875	\$27,367,500	\$37,014,375
Manatee	6	15	\$12,480,000	\$21,933,368	\$34,413,368
St. Johns	7	24	\$12,000,000	\$18,624,805	\$30,624,805
Lake *	8	18	\$11,900,000	\$14,200,000	\$26,100,000
Palm Beach	9	5	\$5,390,000	\$19,599,419	\$24,989,419
Escambia	10	20	\$0	\$24,000,000	\$24,000,000
Hillsborough	11	3	\$16,265,279	\$7,110,000	\$23,375,279
Sarasota *	12	19	\$3,500,000	\$19,844,823	\$23,344,823
Leon	13	23	\$0	\$21,613,666	\$21,613,666
Miami-Dade	14	1	\$21,000,000	\$0	\$21,000,000
Seminole *	15	12	\$3,000,000	\$17,633,983	\$20,633,983
St. Lucie	16	21	\$3,500,000	\$14,133,524	\$17,633,524
Collier	17	16	\$14,000,000	\$0	\$14,000,000
Broward	18	2	\$10,000,000	\$0	\$10,000,000
Volusia	19	13	\$4,000,000	\$3,340,121	\$7,340,121
Clay *	20	22	\$5,500,000	\$1,700,000	\$7,200,000
Lee	21	9	\$6,615,000	\$0	\$6,615,000
Duval	22	6	\$0	\$0	\$0
Pinellas ^	23	7	\$0	\$0	\$0
Marion	24	17	\$0	\$0	\$0

Source: 2017-18 FDOE Work Plan

* - Proceeds from Local governmental infrastructure sales surtax

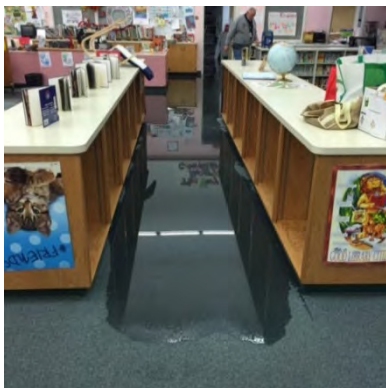
^ - Pinellas County - \$68,000,518 proceeds from Certificates of Participation Sale (COP)

Appendix B – FCI Deficiency Artifacts

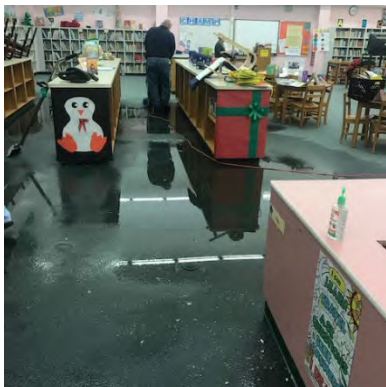
Andrew Robinson Elementary



Artifact 1: A small pinhole in the fire sprinkler pipe caused a flood in the Andrew Robinson media center



Artifact 2: View of the flood moving into the media center which originated in the room with the open door



Artifacts 3 & 4: View of the flood and the quantity of water.



Artifacts 5 & 6: The flood happened on Friday, December 7th and by Wednesday, December 12th, the media center had been dewatered, dried, and new carpet had been installed.

Kirby Smith Middle School

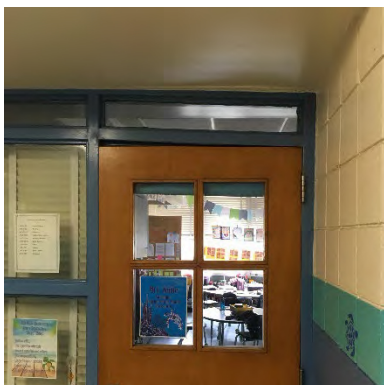
Artifact 1 & 2: Highly corroded metal beam in the concrete pillar is visibly corroded to a high degree



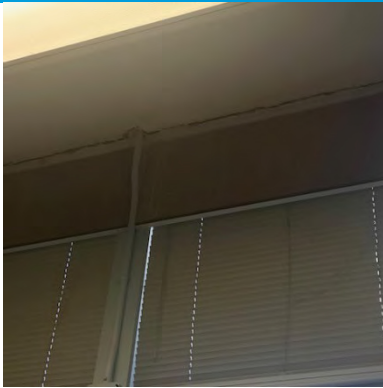
Artifact 3 & 4: Photographs of the pillars and the areas that were removed to inspect the concrete

San Pablo Elementary

Artifact 1: Structural cracks are visible above the door. It is clear that the door frame is out of “square” and maintenance has been to the school to remount the classroom door to ensure it does lock and secure in case of an emergency.



Artifact 2: A close-up of the same doorway with the door out of frame.

Fishweir Elementary

Artifact 1: Cracks began to form along the ceiling along the outer wall at Fishweir.



Artifact 2: The cracks were caused by the wall moving outward from the building and damaging the roof and support system.



Artifacts 3, 4, 5, & 6: Pictured is the support structure that was built after engineers confirmed the sub floor could support the roof. The wing experiencing this issue was built in 1924. The original area of the school was built in 1917.



EXHIBIT

B

A RESOLUTION OF THE SCHOOL BOARD OF DUVAL COUNTY, FLORIDA, DIRECTING A REFERENDUM TO BE HELD ON NOVEMBER 5, 2019, PURSUANT TO SECTION 212.055(6), FLORIDA STATUTES, FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED ELECTORS OF DUVAL COUNTY, FLORIDA, A QUESTION REGARDING THE LEVY OF A DISCRETIONARY SALES SURTAX IN DUVAL COUNTY OF ONE-HALF CENT FOR SPECIFIED PURPOSES; PROVIDING FOR PROPER NOTICE OF SUCH ELECTION; AUTHORIZING CERTAIN INCIDENTAL ACTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the School Board seeks to upgrade and modernize its aging schools and facilities to keep them safe and make them more conducive to learning through renovation, replacement, construction, security, and technology improvements; and

WHEREAS, this Resolution shall set forth a plan consistent with the provisions of section 212.055(6), Florida Statutes, for use of the proceeds of the levy and collection of the surtax for capital outlay projects.

BE IT RESOLVED BY The School Board of Duval County, Florida, acting as the governing body of the school district of Duval County, Florida, as follows:

SECTION 1. AUTHORITY FOR RESOLUTION. This resolution is adopted pursuant to section 212.055(6), Florida Statutes, and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby found and determined that:

(a) Section 212.055(6), Florida Statutes, authorizes the School Board to levy a discretionary sales surtax not to exceed one-half cent on all taxable transactions. Such levy is subject to approval by a majority vote of the electors in Duval County, Florida.

(b) The School Board hereby determines that it is in the best interest of the School District of Duval County, Florida ("the District") and its students to levy the sales surtax authorized by and in accordance with Sections 212.055(6), and 212.054 Florida Statutes, in an amount equal to one-half cent (the "Sales Surtax").

(c) The School Board finds that it is necessary to upgrade and modernize its aging schools and facilities to keep them safe and make them more conducive to learning through renovation, replacement, construction, security, and technology improvements; to acquire land, construct, reconstruct and improve school facilities, including costs of retrofitting and providing for technology implementation; acquire equipment including safety and security; acquire technology hardware and software; and to service bond indebtedness, if any, all as further described in Exhibit A attached hereto and incorporated herein by this reference (collectively, the "Plan").

(d) The levy of the Sales Surtax is necessary in order for the School Board to be able to fund the facilities and projects within the Plan. The Sales Surtax shall be used to acquire, construct, reconstruct and equip the Plan or to make lease payments under the lease purchase agreements pursuant to sections 1001.42(11)(b)5. and 1013.15(2), Florida Statutes, or pay bond indebtedness issued to finance the Plan, all of which is permitted by Section 212.055(6), Florida Statutes. The Sales Surtax shall be levied for a period of fifteen (15) years, beginning January 1, 2020 through December 31, 2034, unless repealed or reduced prior to that time by resolution of the School Board, which repeal or reduction may be effectuated without referendum, so long as there are no bonds or other obligations of the School Board outstanding that are payable from the proceeds of such levy.

(e) The Plan consists of fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of five (5) years or more, and any land acquisition, land improvement, design and engineering costs associated therewith. In addition, the Plan also has a component for costs of installing safety and security equipment, and retrofitting and providing for technology implementation, including hardware and software, for various sites within the District. The Plan also includes the making of lease payments under the lease purchase agreements pursuant to sections 1001.42(11)(b)5. And 1013.15(2), Florida Statutes, and/or servicing of bond indebtedness to finance expenditures authorized by section 212.055(6), Florida Statutes. Neither the proceeds of the Sales Surtax nor any interest acquired thereto shall be used for operational expenses.

SECTION 3. DESCRIPTION OF PROJECTS AND ADOPTION OF PLAN FOR USE OF SURTAX REVENUES. The School Board hereby adopts the Plan for the use of Sales Surtax revenues, which provides for the use of such revenues to pay any portion of the costs of the Plan as described in the findings provided in Section 2 hereof. In accordance with the Plan, at the subsequent option of the School Board, Sales Surtax revenues may be used for the purpose of (a) paying any portion of the costs of a project, (b) servicing bond indebtedness the proceeds of which are used to finance any portion of the costs of the project, and (c) the making of lease payments pursuant to lease purchase agreements hereafter entered into for the acquisition of any portion of the project.

SECTION 4. PROJECT OVERSIGHT BY AN INDEPENDENT COMMITTEE. The School Board shall establish an independent oversight committee of volunteers (the "Committee") for the purpose of monitoring and providing advice regarding the implementation of the Plan, commencing upon approval of the Sales Surtax and extending through the date of completion of the projects to be funded under the Plan. The membership of the committee shall be established by School Board policy.

SECTION 5. LEVY OF SALES SURTAX. Subject to approval of the electors of Duval County, Florida, the School Board hereby levies the Sales Surtax in an amount equal to one-half cent per dollar. The Sales Surtax shall take effect on January 1, 2020, and shall remain in effect for the period of fifteen (15) years. If the Sales Surtax shall be approved by referendum, the School Board shall comply with all provisions of Section 212.055(6), Florida Statutes.

SECTION 6. ELECTION ORDERED. The School Board hereby requests the City Council of the City of Jacksonville, as the governing body of the county, to direct the Supervisor of Elections of Duval County to hold a county-wide special election November 5, 2019, and place on the special election ballot the statement(s) contained in the "Notice of Election" attached hereto as Exhibit B, and to conduct said election pursuant to the provisions of the election laws of the State of Florida.

SECTION 7. OFFICIAL BALLOT. The ballots to be used in the referendum election shall be in full compliance with the laws of the State of Florida, and shall be in substantially the following form:

OFFICIAL BALLOT

School District of Duval County, Florida
Special Election – November 5, 2019

School Capital Outlay Sales Surtax to Improve
Safety and the Learning Environment

To upgrade aging schools through repairs and modernization, to keep schools safe and to continue to promote a conducive learning environment, to improve technology, and to replace existing or build new schools, shall the Duval County School Board be authorized to levy a 15-year half-cent sales surtax, with expenditures based upon the Surtax Capital Outlay Plan, and monitored by an independent citizens committee?

_____ For the Half-Cent Tax

_____ Against the Half-Cent Tax

SECTION 8. PROVISIONAL AUTHORIZATION FOR MAIL BALLOT ELECTION. As provided in Section 101.6102, Florida Statutes, and as an alternative to the procedures described in this Resolution, the School Board authorizes the use of mail ballots for the referendum election in accordance with the procedures set forth in Section 101.6103, Florida Statutes.

SECTION 9. SEVERABILITY. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 10. REPEALING CLAUSE. All resolutions in conflict or inconsistent herewith are repealed insofar as there is conflict or inconsistency.

SECTION 11. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption. However, the Sales Surtax authorized hereunder shall only be effective upon approval by a majority vote of the qualified electors of Duval County.

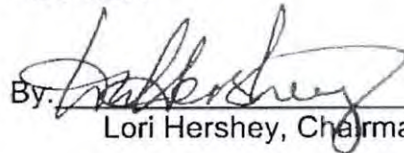
ADOPTED at a regular meeting this 7th day of May, 2019 with a quorum present and voting.

ATTEST:

By: 

Dr. Diana Greene,
Superintendent of Schools
and Ex-Officio Secretary
to the Board

**THE SCHOOL BOARD OF DUVAL COUNTY,
FLORIDA**

By: 

Lori Hershey, Chairman

EXHIBIT A

SURTAX CAPITAL OUTLAY PLAN

1. Pursuant to Section 212.055(6), Florida Statutes, capital improvements for school facilities to be funded by proceeds of the sales surtax shall be for:
 - a. Upgrading and modernizing schools and facilities to keep them safe and make them more conducive to learning through renovation, repair, remodeling, replacement, construction, security, and technology improvements;
 - b. Acquiring land, constructing new school facilities (including new facilities at existing schools), demolishing, reconstructing and improving school facilities, including costs of retrofitting and providing for technology implementation;
 - c. Acquiring equipment including safety and security;
 - d. Acquiring technology hardware and software, including upgrades, implementation, hardware, and software with a useful life expectancy of five (5) or more years;
 - e. Reducing portable classrooms as appropriate to improve school facilities;
 - f. Designing and engineering costs;
 - g. Making lease payments under the lease purchase agreements pursuant to sections 1001.42(11)(b)5. and 1013.15(2), Florida Statutes.
2. Proceeds of the sales surtax and interest thereon may also be used for the purpose of servicing bond indebtedness to finance the projects authorized above in section 1.
3. In determining the scope of the projects, the School Board will consider facility needs and conditions, and provide for a safe and appropriate learning environment.
4. A citizen advisory committee shall monitor and advise the School Board on the expenditure of sales surtax proceeds.
5. Currently, the School Board must comply with State Requirements for Educational Facilities (SREF). All construction pursuant to this Plan must meet SREF standards. If the State of Florida amends or modifies school construction requirements for the School Board, then all construction pursuant to this Plan must comply with the revised requirements.

EXHIBIT B

FORM OF NOTICE OF ELECTION

**NOTICE OF ELECTION DATE IN
DUVAL COUNTY, FLORIDA**

NOTICE IS HEREBY GIVEN THAT AN ELECTION HAS BEEN CALLED BY THE SCHOOL BOARD OF DUVAL COUNTY, FLORIDA, AND WILL BE HELD FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE DAY OF NOVEMBER 5, 2019, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY QUALIFIED ELECTORS OF DUVAL COUNTY, FLORIDA THE FOLLOWING QUESTION:

**School Capital Outlay Sales Surtax to Improve
Safety and the Learning Environment**

To upgrade aging schools through repairs and modernization, to keep schools safe and to continue to promote a conducive learning environment, to improve technology, and to replace existing or build new schools, shall the Duval County School Board be authorized to levy a 15-year half-cent sales surtax, with expenditures based upon the Surtax Capital Outlay Plan, and monitored by an independent citizens committee?

_____ For the Half-Cent Tax

_____ Against the Half-Cent Tax

May 7, 2019, Regular Board Meeting

Title

47. RESOLUTION REGARDING LEVY OF A DISCRETIONARY ONE-HALF CENT SCHOOL CAPITAL OUTLAY SURTAX

Recommendation

That the Duval County School Board approve the attached resolution regarding a discretionary one-half cent school capital outlay surtax.

Description

Gap Analysis

Previous Outcomes

Expected Outcomes

Strategic Plan Goal

Ensure Effective, Equitable and Efficient Use of Resources Aligned to Improve Student Outcomes

Financial Impact

It is anticipated that a one-half cent surtax in Duval County, Florida will generate approximately \$80 million dollars annually for the period of the surtax.

The estimated financial impact will range from \$700,000 to \$1,400,000. This range is based on the type of election requested by the Board. These funds will be appropriated within the district's budget for the fiscal year in which the election occurs.

Contact

Michelle Begley, Chief Financial Officer, 904-390-2972
Sonita Young, Chief of Staff, (904) 390-2936

Attachments

1. RESOLUTION
2. RESOLUTION (agenda revised) marked

Certification
I HEREBY CERTIFY THAT THE ATTACHED Board
AGENDA ITEM # 47 WAS APPROVED BY THE
DUVAL COUNTY SCHOOL BOARD AT THEIR MEETING
ON 5/7/19 WITH 7 BOARD MEMBERS
PRESENT AND CASTING A VOTE OF 6-1.
Lisa Lechman 5/8/19
BOARD SECRETARY DATE

EXHIBIT

C

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

EUNICE BARNUM, individually and as
guardian and next friend of J.M.L.W., J.L.W.,
and Z.W., minors; TIMOTHY ALBRO and
LAURA HEFFERNAN, individually and as
parents and next friend of L.H., a minor; and
ANN GIPALO, individually and as parent and
next friend of B.G., a minor,

CASE NO.:

Plaintiffs,

vs.

THE CONSOLIDATED CITY OF
JACKSONVILLE, FLORIDA.

Defendant.

[PROPOSED] WRIT OF QUO WARRANTO AND ORDER TO SHOW CAUSE

THIS MATTER comes before the Court on the Petition for Writ of Quo Warranto and
Mandamus filed on September 16, 2019. Plaintiffs request a writ commanding Defendant to
immediately place the referendum on a ballot or to answer the allegations in the Petition.

Accordingly, it is hereby ORDERED:

1. Within thirty (30) days of this Order, Defendant shall take all actions necessary to
place the referendum on a ballot; or in the alternative
2. Defendant may, within ten (10) days from the date of this Order, file a response to
the Petition justifying its authority to take the disputed action.

DONE and ORDERED in Jacksonville, Florida this ____ day of September, 2019.

CIRCUIT COURT JUDGE

Copies to:

Tad Delegal, Esq.

Email: tad@delegal.net

James C. Poindexter, Esq.

Email: james@delegal.net

Counsel for Plaintiffs

Jason R. Gabriel, General Counsel

Email: jgabriel@coj.net

Counsel for Defendant